

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 3:21cr42
)	
KEITH RODNEY MOORE,)	
Defendant)	

CONSENT MOTION TO ACCEPT LATE FILING

Keith Moore, through counsel and with no objection from the government, moves the Court to accept his response, filed in ECF No. 86, to the government's motion to exclude his second expert witness, *see* ECF No. 82, as timely filed. In support of this motion, Mr. Moore states the following:

1. On June 6, 2022, after learning that the Richmond Police Department had not kept copies of public documents detailing the creation of and any amendments to the Richmond Police Department's precinct plan, the defense sought to engage Dr. Marvin Chiles, an expert historian who has specialized knowledge of the history of policing in Richmond and the history of residential segregation in Richmond, as an expert in this case.
2. On June 15, 2022, counsel for Mr. Moore met with Dr. Chiles to get more details regarding his specialized knowledge and to obtain copies of documents that may be relevant to produce to the government in discovery.
3. On June 16, 2022, the defense produced to the government a notice and brief summary of Dr. Chiles's testimony in addition to his C.V. and contact information, his prior published articles, and relevant background materials. *See* ECF No. 82-1.

4. On June 20, 2022, the government filed a motion to exclude Dr. Chiles from testifying. *See* ECF No. 82.
5. On June 22, 2022, the Court continued the hearing that was set on the pending motions to July 18 and 19, 2022. Also on June 22, 2022, the Court issued a briefing schedule on the government's motion in ECF No. 82 and directed the defense to file its response by Tuesday, July, 5, 2022. *See* ECF No. 83.
6. Since June 22, 2022, undersigned counsel has been in a lengthy sentencing, a lengthy detention hearing, two hearings regarding release conditions, several initial appearances, and a supervised release hearing. Undersigned counsel has also participated in two lengthy pretrial interviews with the United States Probation Office and clients, a full half day of jail visits, and dozens of client, client family member, and witness phone calls. Undersigned counsel has also drafted and filed four sentencing positions, a lengthy supplemental brief, and a few additional scheduling and administrative motions and notices to the Court.
7. Because of time that had to be dedicated to some unexpected duty matters on Tuesday, July 5, 2022, by that evening, undersigned counsel realized she was not going to be able to complete the response to the government's motion in ECF No. 82 before midnight on July 5, 2022. She then reached out to the government, represented here by Shea Gibbons and Erik Seibert, to ascertain their position on filing the response one day late. Mr. Gibbons had no objection to that request, provided that the government can file any reply to the response by Monday, July 11, 2022. The defense, of course, has no objection to the government filing a reply by Monday, July 11, 2022.

